

**Notes from Food Service Rule Revision Workgroup
1/23/02 Meeting
Seattle, WA**

The first Food Service Rule Revision Workgroup meeting was held January 23, 2002 at the Seattle Public Utilities Operations Center from 12:30 to 3:30. The following people attended:

Name	Representing
Barbara Skyles	Wa. State Dept. of Health, Facilities and Services Licensing
Cheryl Johnson	Wa. State Dept. of Corrections
Kelli Paris	Darden Restaurants
Adam Johnson	Albertsons
David Riggs	Wahkiakum County Health & Human Services
K. Beal	Wa. State Dept. of Social & Health Services/JRA
Rick Miklich	Snohomish Health Dist
Lisa Wright	Jack in the Box
Dan Jemelka	Wash. State Dept. of Agriculture
Sharon Smith	Seattle & King County Public Health
Randy Durant	ARAMARK
Carl Osaki	Wash. State Board of Health
John Hadman	Skagit County Dept. of Health
Gary Kickbusch	Seattle & King County Public Health
Nancy Nesel	Tricon Global Restaurants
Tracy Peters	Burger King Corporation
Marianne Siefert	Wash. State Board of Health
Jeff Mosley	Mason County Dept. of Health Services
Jim Thompson	Seattle & King County Public Health
Mary Bolanos	Wa. State Dept. of Social & Health Services – ORM
Julie Bongard	Sysco Seattle
Rick Porso	Tacoma-Pierce County Health Dept.
Bonnie Halvorsen	Bremerton-Kitsap County Health Dist.
Jane Koehler	Seattle & King County Public Health
Dave Gifford	Wash. Dept of Health Food Safety & Shellfish
Ned Therien	Wash. Dept of Health Food Safety & Shellfish
Jan Jacobs	Wash. Dept of Health Food Safety & Shellfish

Dave Gifford welcomed the group to the workshop. Introductions were made all around. Dave outlined the tasks at hand, stating the many different approaches that could be taken in drafting a new state food rule (WAC): the FDA Food Code could be adopted in its entirety; the FDA Food Code could be adopted with specific exceptions written into WAC for any provisions not wanted; the WAC could be rewritten entirely, adopting parts of the FDA Food Code; the WAC could be rewritten using the FDA Food Code as a reference document; or a combination of these approaches could be used. Dave stated the purpose of this workgroup was to decide upon which course to take, and then work to come to consensus on specific issues. He stated that if consensus could not be reached on various issues, the Department of Health would decide which course of action to take.

Dave summarized comments received at workshops held in September 2001 to determine the need for a food service rule revision and provided a handout. (See attachment 1.)

Dave, Ned Therien, and Carl Osaki explained the rule process and timelines and provided handouts. (See attachments 2 and 3.)

Carl Osaki gave a brief overview of the State Board of Health, its formation, makeup, and responsibilities. He stressed the importance of workshops and stakeholder participation in the rule revision process.

A document summarizing the major differences between the FDA 2001 Food Code and WAC 246-215 was handed out. (See attachment 4.) Attendees were asked to use this document as a starting point to review and compare the differences between the two rules. An assignment was given to:

- ◆ Review and compare the two codes.
- ◆ Indicate which version of specific provisions is preferred.
- ◆ Indicate which document should be the base for the new state rule, FDA or WAC.
- ◆ Give the reason for that opinion regarding overall preferred base version.
- ◆ Return comments to Ned Therien by 2/20/2002.

It was stated that Oregon's code format is good because justification is given below each section of the Oregon rule. One person stated that FDA's definition of toxic materials was good.

Sharon Smith discussed a comparison Public Health of Seattle and King County has done between their rules and the FDA Food Code, stating that it has been a useful tool in determining whether their rules are consistent with the FDA Food Code. Since the Seattle and King County rules are only slightly different than the state food service rules, their comparison also serves as a comparison between the FDA Food Code and the WAC. Although there are many differences, they are very consistent overall.

Dave stated that training would be an issue with any major revision of the state's food service rule. Local health jurisdictions would need training to learn the rule revision. FDA-prepared training materials could be used for provisions that are consistent with the FDA Food Code.

Attendees broke out into workgroups and brainstormed their likes and dislikes of both the FDA Food Code and the WAC. They are listed in the table below:

<i>Version</i>	<i>Likes</i>	<i>Dislikes</i>
FDA FOOD CODE	<ul style="list-style-type: none"> ◆ Reference list of toxic materials ◆ Training available ◆ Detail ◆ HACCP guidelines ◆ Public health reasons (Annex) ◆ Management/PIC section ◆ Index (listed twice) ◆ Food worker exclusion defined ◆ Knowledge required for person in charge ◆ Expanded definitions ◆ Annex ◆ Specific backup by food science ◆ Updated by others ◆ Specific 	<ul style="list-style-type: none"> ◆ Size of document ◆ Graduated time/temp. requirements ◆ Too much specificity ◆ Exclusion of temporaries, farmers markets, mobiles ◆ Physically cumbersome ◆ Too vague/too global/difficult for specific access ◆ Update timelines every 2 years ◆ Lack of local control ◆ Weighs more ◆ Type needs to be smaller
246-215 WAC	<ul style="list-style-type: none"> ◆ Already used; familiar ◆ General enough to allow interpretation ◆ Short (listed twice) ◆ Easy to reference ◆ Egg cooking temperatures ◆ Allows counties to be more restrictive ◆ Final cook temperatures ◆ Familiarity ◆ Concise / to the point ◆ Portable 	<ul style="list-style-type: none"> ◆ Old, dated ◆ Vague on bare hand contact ◆ Inadequate training specs for food workers ◆ Vague wording ◆ Lack of uniformity using it in the state ◆ No index – hard to find subjects ◆ Less food worker exclusion ◆ Different interpretations ◆ Certain elements outdated

Dave asked those who wanted to continue to be actively involved in the food rule revision process to place their name on a list provided for that purpose. The following attendees would like to remain actively involved:

Mary Bolanos	Jess Mosley
Julie Bongard	Nancy Nesel
Randy Durant	Kelli Paris
John Hadman	Tracy Peters
Dan Jemelka	Rick Porso
Adam Johnson	Barbara Skyles
Gary Kickbusch	Sharon Smith
Jane Koehler	Jim Thompson
Rick Micklich	Lisa Wright

The next meeting will be held March 13, 2002, tentatively at the Department of Health offices in Kent. More information as to time and confirming location will be forthcoming soon.

Washington State Food Code Revision

Summary of Public Comments of Changes Needed to WAC 246-215

September 2001

Washington State Department of Health

PUBLIC MEETINGS

3 meetings were held in September 2001 (Chehalis, Everett, Moses Lake)

Comments were received from:

- 11 LHJs
- Washington Restaurant Association
- Washington Food Industry
- WSU Coop. Ext.
- QFC, Inc.
- Jack in the Box, Inc.

TOPIC/ISSUE	# OF COMMENTS	BASIC COMMENT
Bare Hand Contact	1	Should keep the "minimize" language
	9	Should change to FDA wording and further restrict BHC
Labeling	4	Update WAC to meet RCW requirements
Handwash Sinks	2	Update section on where sinks can/should be
Interpretations	2	Eliminate the ability of LHJs
	2	Consider codifying some of the IEs
Demonstration of Knowledge	2	Adopt FDA language related to Person in Charge
Time as a PH control	3	Allow time or at least define "immediate service"
Variances	1	Allow wider variances with HACCP plans
Bed & Breakfast	2	Maintain the requirements
Farmers Markets	1	Define the requirements
Shellfish tagging	2	Elaborate requirements
Parasite destruction	2	Require certain fish to be frozen
Inspector standardization	2	Require training/standards for inspectors
Jewelry	1	Prohibit (per FDA)
Temporary FSEs	2	Update requirements
Date Marking	3	(2)-yes; (1)-no
Cooling	3	Update to be consistent with FDA
Reheating	2	Update to allow for legal reheating of large pieces of meat (takes more than 1 hour)
Temperature monitoring	3	Require thermocouples
Approved Sources	1	"restaurants buying meat from grocery store"
Excluding ill food workers	2	Update requirements
Hot Holding	1	Look at reducing to 130 degrees
Raw Milk Cheese	1	Simplify requirements
Vending Machines	1	Clarify requirements

Pooled Eggs	1	Update requirements (no problem for bakery items)
MAP	2	Update requirements
ID of “whole intact beef”	1	Define and ask USDA to clarify
Catering	2	Update requirements
Bulk Foods	1	Update requirements
Produce Sinks	1	Differentiate food sinks and produce sinks
Game Meat	1	Update definition
Exempt Food Lists	2	Include a limited list in the code
Inspection Frequency	1	Increase required frequency
Mobile Units	3	Update section
Sanitizers	3	Update requirements; state minimum concentrations
Consumer Advisory	1	Require a risk statement
Handwashing	2	Update requirements
Interspecies x-cont.	1	Require prevention of interspecies cross contamination
More detailed language in general	2	Some sections need to be more detailed to avoid misinterpretation
Cooking Temps	2	Look at time/temperature
Definitions	1	Update several of them
Latex Gloves	1	Look at banning
Cold Holding	3	Reduce to 41 degrees
Hot Water	2	Look at revising temperature requirement
Manager Certification	1	Require
Overnight hot-holding	1	Need to keep monitoring requirement
Ready to Eat Foods	1	Need to define

Major Differences Between WAC 246-215 and FDA 2001 Food Code

Risk Factor	FDA 2001 Food Code Requirement	Prefer FDA Version	WAC 246-215	Prefer WAC Version
Definitions	1-201.10(B)(36) Food Establishment does not include a home used to prepare non-PHF for religious or charity function; a “food processing plant”; home day care; bed and breakfast facility		-010(22) Food Service Establishment includes home settings, but a variance may be given; food processing settings, unless licensed by USDA, FDA, or WSDA	
	1-201.10(B)(65) Potentially Hazardous Food (PHF) includes cooked plant food; water activity above 0.85; excludes air-cooled hard-boiled eggs with shell intact		-010(40) PHF includes “certain” cooked plant foods; water activity above 0.90; no exclusion for hard-boiled eggs	
Person in charge	2-101.11 Be present during hours of operation		No equivalent	
	2-102.11 Demonstrate knowledge		No equivalent	
	2-201.12 Exclude food workers with diseases and symptoms		-260(2)(c) & (e) Health officer restricts food workers	
Hand washing	2-301.12 20-second wash, vigorous, underneath fingernails, between fingers		-080(1) Less specific	
	2-301.16 Hand sanitizers must conform to specifics, when used in addition to washing		-080(3) No hand sanitizer specifications, when used in addition to washing	
Employee hygiene	2-302.11 Fingernails trimmed, filed, no polish, no artificial nails		No equivalent	
	2-303.11 Jewelry and watches not allowed, except smooth wedding bands		No equivalent	
	2-401.11 No eating, drinking (except closed beverage containers), tobacco		-080(4) Drinking not addressed	
	2-402.11 Hair restraints specified		-080(2)(c) Hair restraints “as necessary”	
Approved source	3-201.11(B) No foods prepared in private homes		-270 Variance allowed for source	
	3-201.16 Wild mushrooms must be individually inspected by expert		No equivalent wild mushroom inspection requirement	
	3-201.17 Field-dressed wild game must be inspected by veterinarian		-020(6)(d) Health officer may approve road kill meat for use in jails and soup kitchens	
	3-202.11 PHF must be 41° F or less at receiving (unless other rules specify otherwise) and not have evidence of temperature abuse		No equivalent receiving temperature	
	3-202.14 Milk must be obtained pasteurized		-020(2)(a) Grade A raw milk may be sold for off-premises consumption	
	3-203.12 Molluscan shellfish tags received and kept on original container; held for 90 days		-020(3)(b)(iii) Identifying information may be on invoice rather than container; no requirement to keep tags or other identifying information for 90 days	
Freeze fish served raw	3-201.11(D) & 3-402.11 Fish served raw must be previously frozen to kill parasites; 3-402.12 Keep records of freezing		No equivalent	
Preventing contamination	3-301.11 No bare hand contact with ready-to-eat-foods, except as otherwise approved		-030(1)(g) “Minimize” hand contact by using utensils or gloves when practical; guidance policy	
	3-302.11(A)(2) Prevent cross-contamination of different species raw meats		No equivalent requirement between different species	
	3-302.13 Pasteurized eggs must be used for undercooked recipes		-070(3)(i) Applies only for health care facilities and nursing homes	
	3-304.15 Gloves used for only one task, discarded if soiled or damaged		No equivalent requirement to discard gloves after single task	
	No equivalent		-030(1)(j) & (k) Limited use of pooled eggs; no egg-breaking machines	
Cooking temperatures	3-401.11(A)(1) 145° F for 15 seconds for eggs and many other foods of animal origin		-070(3)(e) & (f) 140° F for eggs and other foods of animal origin not otherwise	

Risk Factor	FDA 2001 Food Code Requirement	Prefer FDA Version	WAC 246-215	Prefer WAC Version
			specified; eggs may be cooked to less if specifically ordered by consumer	
	3-401.11(A)(2) 155° F for 15 seconds for ground meats, ratites, injected meats, pooled eggs; also table allowing cooking as low as 145° F for 3 minutes		-070(3)(b) Ground beef may be cooked to less if specifically ordered by consumer; no specific requirements for ratites, injected meats; -030(1)(j)(ii) pooled eggs cooked to 140° F	
	3-401.11(B) 130-158° F for time specified in table for whole beef and pork		-070(3)(c) 150° F for pork; -070(3)(d) 130° F minimum for rare roast beef ; no table of alternative temperatures	
	3-401.11(C) Outside only required to be cooked to 145° F minimum for intact beef steak if labeled "intact beef"		-070(3)(d)(ii) No minimum cooking for beef steak as specifically ordered by consumer	
	3-401.12 Microwave cooking of raw PHF to 165° F; procedures specified		No equivalent difference between microwave and convention cooking temperatures	
	3-401.13 Fruits/vegetables to be hot held must be cooked to 140° F or greater		No equivalent cooking requirements for fruits and vegetables	
Reheating	3-403.11(A) 165° F for 15 seconds		No equivalent time requirement, just temperature	
	3-403.11(B) Microwave to 165° F, rotated, stirred, let stand for 2 minutes		No equivalent time requirement, just temperature	
	3-403.11(D) 165° F within 2 hours		-070(8)(b) 165° F within 1 hour; within 30 minutes for temporary food service	
Thawing	3-501.13 Allows cooking of large pieces of frozen meat or poultry		-070(2)(c) Prohibits cooking of unthawed foods greater than 4 inches thick	
Cooling	3-501.14(A) Cooked PHF cooled from 140° F to 70° F within 2 hours and to 41° F or 45° F within 6 hours		-070(6) PHF cooled from 140° F to 45° F within 4 hours	
	3-501.14(B) PHF cooled to 41° F or 45° F within 4 hours if prepared from ingredients at ambient temperatures		-050(3)(f) Prepare PHF with ingredients pre-chilled to 45° F	
	3-501.15 Cooling methods specified without specific depths		-070(6) Cooling methods more specific, including depths and thicknesses	
Cold holding	3-501.16 PHF at 41° F or 45° F if current equipment not capable of maintaining lower temperature; equipment must achieve 41° F within 5 years of rule adoption		-050(3)(a) PHF at 45° F	
Time as control	3-501.19 No cold or hot holding temperature needed if PHF working supply is held before cooking or discarded within 4 hours; time must be marked on food		No equivalent provision allowing room temperature display for a specified period of time	
Reduced oxygen packaging	3-502.12(B) HACCP plan required if <i>Clostridium botulinum</i> is hazard		-060(3) HACCP plan and health officer approval required for all foods other than non-potentially hazardous foods, raw meats, certain cheeses	
	3-502.12(B)(2)(a) Water activity 0.91 or less is one barrier		-060(3)(a) Water activity of 0.93 or less is barrier	
	3-502.12(B)(3) Store at 41° F or less		-060(4)(a) Store at 38° F or less	
	3-502.12(B)(4) Label says to store at 41° F or less and discard in 14 days		-060(4)(g) Label says to store at 38° F or less; discard or freeze in 7 days	
	3-502.12(B)(7) Training required		No equivalent	
Date marking	3-501.17 Ready-to-eat foods, if held more than 24 hours, must be date marked to use within 7 days when stored at 41° F or less and within 4 days if stored at 41-45° F; including opened containers packaged at a food processing plant		No equivalent	
Discard time	3-501.18 Ready-to-eat foods must be discarded within 7 days when stored at 41°		No equivalent	

Risk Factor	FDA 2001 Food Code Requirement	Prefer FDA Version	WAC 246-215	Prefer WAC Version
	F or less and within 4 days if stored at 41-45° F; including opened containers packaged at a food processing plant			
Consumer advisory	3-603.11 Raw or undercooked ready-to-eat foods of animal origin (intended to be consumed without more processing) must be identified by label, brochure, or on menu; the risk, especially to vulnerable consumers, must be explained.		-040(10) Raw or undercooked ready-to-eat foods of animal origin (intended to be consumed without further processing) must be identified by label, menu, or sign; the risk does not need to be explained, except for raw milk products	
Highly susceptible population	3-8 Additional safeguards		No equivalent except -070(3)(e)(i) eggs pasteurized or cooked to 140° F for certain clients	
Equipment	4-101.16 Sponges may not be used in contact with in-use food-contact surfaces		No equivalent	
Cleaning & sanitizing	4-602.11 Food-contact surfaces must be cleaned before each use with a different type of raw animal food; exception for sequence of products requiring higher cook temps; frequency of every 4 hours unless otherwise specified		No equivalent requirement between different types raw animal foods	
Mobile food unit	5-3 Mobile water tanks & 5-401 Mobile holding tanks only		-160 Extensive criteria for physical facilities and operation	
Temporary food service	No equivalent		-190 Extensive criteria for physical facilities and operation	
Waivers	8-103.10 Regulatory authority may grant variance for any portion of this code		-270 [Local] health officer may grant a variance regarding physical facilities, equipment standards, and food source	
HACCP	8-201.13 Health officer may require HACCP plan as condition to grant a variance		No HACCP requirement, except for modified atmosphere packaging	

Please indicate preferred version in column to the right of the FDA or WAC standard.